

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday October 26, 2020
 6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday October 26, 2020 at 6:00 p.m., at Shawnee State University Center. Council held the meeting at Shawnee State University in order to comply with the Governor’s order to social distance at least 6 feet apart.

Mayor Kevin E. Johnson called the meeting to order. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag.

Roll Call showed the following members to be present:

Sean Dunne	1 st Ward
Charlotte Gordon	2 nd Ward
Kevin E. Johnson	3 rd Ward
Andrew McManus	4 th Ward
Edwin Martell	5 th Ward
Thomas K. Lowe	6 th Ward (Absent)

Also present was, City Manager Sam Sutherland, City Clerk Diana Ratliff and Auditor M. Trent Williams. Solicitor John Haas was absent.

Councilman Lowe’s absence was excused on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 5 ayes – 0 nays.**

Council dispensed with the reading of the Journal for the Regular Session of October 12, 2020 on a motion by Vice President Dunne. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

Vice President Dunne motioned to add as 7(g) an Ordinance authorizing appropriation of fund from the Coronavirus Aid, Relief and Economic Security (CARES) Act. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

Item Added

Vice President Dunne motioned to add as 7(h) a Resolution concerning funding pursuant to the cares act and the coronavirus relief fund, confirming that it is the policy of the city of Portsmouth, Ohio that all public safety personnel costs are “substantially dedicated” to the covid-19 response efforts of the town throughout the ongoing state of emergency. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

Item Added

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Due to the Governor’s mandate of only 10 persons in a meeting, the meeting was not open to the public – Statements and Remarks were emailed ahead of time and read by Clerk Ratliff

Sue Burke– Main Street Board Chairperson – 3110 Brookwood Drive- Portsmouth

“Main Street Portsmouth has been a staple in our downtown area with the mission of building up community and revitalizing the downtown area and preserving the history. They put together approximately 50 events per year, they handle the Building Improvement Grant where the City invests \$25,000 back into the properties that apply for the grant. MSP’s design program handles the beautiful flowers around the town in which everyone gets to enjoy and appreciate, from the parks in the downtown to the flowers and new design elements. The amount being requested over the next three years helps with budgetary requirements so that they continue their great work.”

Vice President Dunne requested to move into Executive Session to discuss contract and wage negotiations and invited the City Manager.

The role was called and the motion carried: **VOTE: 5 ayes– 0 nays, Council recessed into Executive Session at 6:06 p.m.**

Executive Session

Vice President Dunne motioned to reconvene from Executive Session. The roll was called and the motion carried. **VOTE: ayes 5 – nays 0, Council reconvened with all still in attendance at 6:41 p.m.**

LEGISLATION

The clerk gave a **third reading**, to an Ordinance authorizing the City Manager to apply for the Ohio Department of Natural Resources, Land and Water Conservation Fund grant to construct new stage seating at the riverfront.

Vice President Dunne moved that this Ordinance be passed.

Ord. #58-2020
 Apply for
 ODNR grant
 for new stage
 seating on
 riverfront

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **second reading**, to an Ordinance to amend the Zoning Map of the City of Portsmouth, Ohio, by rezoning 1871 Bonser Avenue from its current zoning of Residence “B” District to “Agricultural”.

Vice President Dunne moved that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager to execute an agreement with Main Street Portsmouth for an additional three calendar years being 2021, 2022 and 2023 authorizing an annual contribution of \$55,000.

Vice President Dunne moved that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the City Auditor to amend appropriations to reflect actual revenues and expenditures in order to balance and close the City’s books for the fiscal year 2020.

Vice President Dunne moved that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance approving and ratifying the recently negotiated collective bargaining agreement between the City of Portsmouth and Fraternal Order of Police/Ohio Labor Council Dispatchers Unit for the period beginning January 1, 2020 through December 31, 2022.

Vice President Dunne moved that this constitute a first reading.

Councilman Martell stated that his dissatisfaction with the Dispatchers had weighed on him since the last meeting and after thinking about it a lot he had come to the conclusion that even though he was extremely dissatisfied with the Dispatchers, he believed that an opportunity should be given to Chief Brewer to make the positive changes that were needed. He hoped that she was listening to let her know that he stands with her to implement that change. Councilwoman Gordon concurred and said that Mr. Martell said that very well and she agreed because all of Council had experiences and complaints about the quality of service that Dispatch provided. She said it was a problem that needed to be addressed and to rubber stamp this doesn’t let them know that Council was dissatisfied with their performance. Mr. Martell stated that it wasn’t just Council, it was many citizens in the city that have experienced such displeasure. Chief Brewer had only been in that position for a couple of months and thought this was the time to give her an opportunity to implement the changes that were needed. Mayor Johnson stated that he had worked in the private sector for many years and there was an old adage “a fair days pay for a fair day’s work”. He agreed that Chief Brewer was doing a wonderful job and believed that she could turn things around with the Dispatch, but this ratification was a raise in pay and he doesn’t see giving a raise in pay for a job that hadn’t been performed well. He suggested revisiting the raise next year and if changes have been made, they could get a raise at that time, but tonight, he would not be supporting a raise for a job that hadn’t been well done. He encouraged citizens that were watching on facebook that if they’ve called Dispatch and experienced unfair treatment or been treated rudely to contact their Councilperson or Chief Brewer to let them know that proper attention wasn’t given to them when they called Dispatch and reminded everyone that each call was recorded. Vice President Dunne said that people have been talking about defunding the Police and questioning how things get funded. He said there were discussions about that at a National level and questioning how certain activities were funded. His observation on how to discuss funding different government services and defund wasn’t an accurate description of what people were talking about nationally and locally.

There were no questions or comments. **The role was called. VOTE: 3 ayes – 2 nays (K.E. Johnson and A. McManus), a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the additional appropriation of \$1,000 from Community Agencies Line Item No. 101.119.5291 to support Buckeye Elite Basketball High School Tournament. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Vice President Dunne motioned to suspend the three-reading rule.

The role was called. VOTE: 5 ayes– 0 nays, the rule was suspended.

Vice President Dunne moved that the Ordinance be passed.

Councilwoman Gordon asked if there was wording in the Ordinance instructing them to return the money should the tournament be cancelled. Mayor Johnson stated that he had spoken with Mr. Ferguson and he wanted Mayor Johnson to thank all of Council. Normally, Mr. Ferguson would address Council in person, but because of Covid he couldn't attend, but he expressed his gratitude and said that if the tournament didn't take place, he had absolutely no problem returning the money to the city. Clerk Ratliff read the paragraph which included the instruction should the tournament be cancelled. "Whereas, this appropriation is subject to the City being able to get the appropriated money returned if the tournament is cancelled due COVID-19 or otherwise."

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of funds from the Coronavirus Aid, Relief and Economic Security (CARES) Act Funds in the amount of \$726,408.54 into Fund No. 290 (CRF) Coronavirus Relief Fund – CARES Act. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Vice President Dunne motioned to suspend the three-reading rule.

The role was called. VOTE: 5 ayes– 0 nays, the rule was suspended.

Vice President Dunne moved that the Ordinance be passed.

Mayor Johnson asked Manager Sutherland why this was added onto the agenda. Manager Sutherland replied that he had put it on the Conference Agenda, but the City needed to proceed because the money needed to be spent within a certain amount of time. He stated that the funds were from the Federal Government due to the Coronavirus and this was an extension of the monies that had already previously been appropriated for the schools, homeless shelter, small business grants and was basically the third round of funding. Mr. Johnson said for those that would say that Council passed something without them having a chance to speak; this was for those that had been affected by the coronavirus or had businesses affected by the coronavirus.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0, the Ordinance was passed.**

The clerk gave a **first reading**, to a Resolution concerning funding pursuant to the cares act and the coronavirus relief fund, confirming that it is the policy of the city of Portsmouth, Ohio that all public safety personnel costs are "substantially dedicated" to the covid-19 response efforts of the town throughout the ongoing state of emergency.

Councilman Dunne moved that the Resolution be adopted.

Mayor Johnson asked Manager Sutherland to explain again because this was the first time that he had seen this legislation. Manager Sutherland stated that some of the monies would be used to offset the city's payroll and in order to be able to do that clean and upfront the resolution needed to be adopted to demonstrate that the money was being used for payroll. 100% of the salary for the Police, Fire and Health Department workers could be used from the Coronavirus Relief Fund. He and Tracy Shearer had been working very diligently with this coronavirus relief money and dealing with the public and small business grants and at least 50% of her salary could be charged to the coronavirus relief fund due to the way that it was set up as long as the resolution was adopted.

**Ord. #59-2020
Donation to
Buckeye Elite
Basketball
Tournament**

**Ord. #60-2020
Appropriation
of Fund from
CARES funds**

**Res. #22-2020
Cares Act
funding
distribution**

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Resolution was adopted.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Due to the Governor’s mandate of only 10 persons in a meeting, the meeting was not open to the public - Questions were sent in ahead of time via email and read by Clerk Ratliff

There was no one present that wished to address Council pertaining to items not on the agenda.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk’s Report – Clerk Ratliff reported the following:

1. She explained that the Tree Commission was not able to hold an Arbor Day event this year but in order to keep the City Tree USA designation a proclamation was needed, so she prepared a Proclamation for a fall Arbor Day.
2. She received 2 resumes for the 4th Ward Council position. Lyvette Mosley and Jamie Colley.
3. She received the resignation from City Council and the Shade Tree Commission from Andrew McManus.

The City Clerk’s report was received, filed and made part of the record, on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 5 ayes– 0 nays.**

City Manager’s Report – Manager Sutherland reported the following:

1. Manager Sutherland stated that the City had begun paving and they were starting to work on some streets and alleyways.
2. He reminded Council about the Designated Outdoor Refreshment Area (DORA) email that he had sent advising them of an oversight of the advertisement and added that he had tried to negotiate with the State because of COVID but they’ve asked us to redo this portion of the application process. The City Clerk will take care of advertising and then 30 days after tonight, legislation could be passed which would put the DORA in place.

The City Manager’s report was received, filed and made part of the record, on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 5 ayes– 0 nays.**

Mayor’s Report – Mayor Johnson reported the following:

1. He thanked Rick Duncan for inviting him to look at the project on 12th Street where they were working on a collapsed storm line and were in the process of repairing the collapse. He said there was more pipe being set today and Mr. Duncan had been able to secure a grant for the project which saved the city thousands of dollars. Manager Sutherland stated that it was in the neighborhood of \$800,000.
2. He appointed Sara Pratt to the newly formed Arts Commission.
3. He reappointed Will Burke to the Tree Commission.
4. He addressed the issue of add-ons to the agenda and expressed his displeasure, but he was beginning to wonder if it wasn’t one of the necessary things because it seemed that it had become the rule instead of the exception because we’re constantly adding something on at the last minute. He couldn’t dispute the items that were added this evening.

Appt. Sara
Pratt to Arts
Commission
and
reappointed
Will Burke to
Tree
Commission

The Mayor’s report was received, filed and made part of the record, on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 5 ayes– 0 nays.**

Solicitor Haas Report – Solicitor Haas had no report.

Auditor Williams Report – Mr. Williams reported the following:

1. He said that he sent an email about the Sunshine Law training and public records training that was required by each Councilmember during their term. It was mentioned in the audit that those were not documented within the Clerk’s office. He responded to the Auditors and told them that he would remind each Councilmember that the training was required each term while in office. If you’re starting a new term this time, it would be good for the full four years. He explained that the process was simple, but it does take about 3 hours and 15 minutes and after the training was complete, each member would receive a certificate of completion which need to be filed with the City Clerk so that the Auditors could see who had complied. After you complete the training, they will send you an evaluation form and after the evaluation form was completed and returned, that would generate a certificate which takes about 7 days to receive via regular mail.
2. He said that he received a thank you letter from the Portsmouth City Board of Education for the City’s contribution of the coronavirus relief fund. He appreciated that they took the time to appreciate the city’s efforts.

The Auditor’s report was received, filed and made part of the record, on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 5 ayes– 0 nays.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Dunne reported the following:

1. He nominated Shannon James to the Arts Commission and he will follow-up on the contact information.
2. He thanked Rick Duncan for inviting he and Kevin to the work that was being done by Bob & Floyd’s (12th Street). He remembered when it was first reported as a problem and the estimates on how much it would cost. It was great that Mr. Duncan was able to secure a grant which was a big help to the city.
3. He met with Shawnee State University about the Social Research Lab and felt that it was something that could benefit the city and other public and private entities in the city in years to come. He was looking forward to further developments.
4. He would like move forward with legislation about Boat storage on empty lots. It had been suggested to be a part of the camper legislation, but Solicitor Haas thought it would be best to have a separate ordinance addressing the issue. He requested this to be on the next City Manager’s agenda.
5. He thanked Manager Sutherland for looking into an issue on Bertha Avenue.
6. He had been trying to get a Portsmouth version of Monopoly together and had been relying on a group to move forward with it. He would like the city to be one of the key sponsors and thought it would benefit Portsmouth with helping resident’s, former resident’s as well as visitors know about the different things to do in Portsmouth as well as the different small businesses in Portsmouth. He had a copy from another city and thought it was a great idea.
7. He was hopeful that there would be a talk at Shawnee State University from one of the organizers of the “Burning Man Festival” in Nevada, but with the Coronavirus they won’t have an in-person lectures series at SSU, but will be done virtually. He added that it will be great to work with the Southern Ohio Art Museum.
8. He had been trying to catch up to Councilman Martell’s great work of reaching out to City Councils regarding racism in High School sports. He had been reaching out to School Boards asking them to pass motions of support for the resolution that was adopted and asking the OHSAA to address racism in High School sports. He said that Councilman Martell has had a better response rate than what he has had, but he would keep working on it.
9. He was certified as a clinical Sociologist in Community Development by the Association of Applied and Clinical Sociology based upon the community development work that he had done in Portsmouth.
10. He received an email from Equality Ohio that recognized him as their Southeast ally of 2020 which was an award he shared with Council as it was a unanimous vote and other members of our community that helped to pass legislation to extend antidiscrimination protections to the LGBTQ plus community.

**Appointed
Shannon James
to Arts
Commission**

2nd Ward – Councilwoman Charlotte Gordon reported the following:

1. She congratulated Chief Brewer, the Detectives and all that were involved in a large national arrest that was made this week. She extended a special thank you to the victims that came forward because that was a very difficult thing to do and without them coming forward, there would not have been the credibility.
2. She congratulated Maxine Malone who is the 14th Street Community Center Director and was chosen as the Chamber of Commerce’s Citizen of the Year. She said that this was overdue and well deserved as she worked very hard and diligently with everyone from seniors down to the children. She worked with families and worked tirelessly at the 14th Street Community Center serving an at-risk population in Portsmouth.
3. She congratulated Drew Carter on the ground breaking of “Watch Me Grow” garden and that will be a very exciting development to literally watch it grow in our town.
4. She spent some time tracking down people in Akron Ohio that had worked on the windows by using derelict/empty storefront windows and transforming blight into an artistic opportunity. She and Councilman Martell met and they scheduled a Zoom Meeting with them for next week. They have a list of questions and it will be fun to put that project together through the new Arts Commission.
5. She acknowledged Councilman McManus and with this being his last meeting. She said that it had been nice getting to know him and serving with him and wished him greener pastures. She thanked him for his service.

3rd Ward – Councilman Kevin E. Johnson reported the following:

1. He thanked Councilman McManus for the opportunity of working with him and was honored to know and work with him. He wished him the very best and stated that he would be missed on Council.

5th Ward – Councilman Martell reported the following:

1. He said that it had been a pleasure working with Councilman McManus and that he had done some great things in the 4th Ward and wished him the best.
2. He thanked Manager Sutherland and the City Workers for handling a couple of issues in the 5th Ward.
3. He wished a happy belated birthday to Auditor Williams.
4. He thanked Friends of Portsmouth for their clean-up efforts in the Thomas Avenue and Mabert Road areas. He thanked all of the volunteers who came out to help clean up that area and thanked the Counseling Center for providing volunteers.
5. He nominated Barbara Costas-Biggs for the Arts Commission. He will get her contact information for the Clerk.
6. He had found out that the Ohio Arts Council had heard about the new Arts Commission and had mentioned it which was huge because he hadn't even told anyone about it yet. He said it felt good to be on their radar and a huge accomplishment. He looked forward to working with them.
7. He congratulated Maxine Malone on her well-deserved award and said that she probably deserved it more than one time for a lot of the work she had done at the 14th Street Community Center with the Portsmouth youth.
8. He publicly apologized to the Portsmouth Street Art Project for the delay on getting the lease agreement. They were supposed to vote on a lease agreement but Solicitor Haas was not in attendance to ask about it. He promised that he would continue to work to get it done.

**Appointed
Barbara Biggs
to Arts
Commission**

4th Ward – Councilman McManus reported the following:

1. He nominated Holly Gail for the Arts Commission and felt that she would do a great job.
2. He thanked Diana, Trent, Sam, John and all of Council. He said that it had been fun, there had been many good times from campaigning to parades and it would be something that he would treasure forever. He thanked the voters of the 4th Ward for writing his name down, he will never forget his time on Council but he was excited for the new Council man or woman to come in and get to work.

**Appointed
Holly Hempill
to Arts
Commission**

6th Ward – Councilman Lowe had no report due to absence.

The meeting adjourned at approximately 7:20 p.m. on a motion by Vice President Dunne.

City Clerk

Mayor